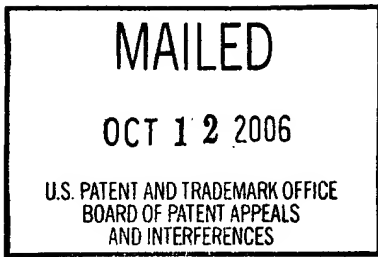


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD J. LAZZARA,
THOMAS S. HEYLMUN AND KEITH D. BEATY

Application No. 09/237,605

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

The Manual of Patent Examining Procedure (MPEP) ' 609(C)(2) (Eighth Ed.) in regards to Information Disclosure Statements filed by applicants, state in part:

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 or PTO/SB/08A and 08B provides a clear record of which citations have been considered by the Office. The examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.

Appellants filed an Information Disclosure Statement (IDS) on December 31, 2001 listing the first Declaration of Prabhu Gubbi on a PTO form 1449. The examiner has not initialed next to the document nor has a line been drawn through it to indicate non-consideration and the 1449 has not been signed and dated. Also, we find no reference to indicate consideration by the examiner of the first Gubbi declaration. Correction is required.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- (a) for the examiner to initial or draw a line through the declaration listed and to sign and date the PTO form 1449 of the IDS filed December 31, 2001,

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- (b) for the examiner to mail a copy of the considered IDS to appellant, and
- (c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G.P. Edgell for Dale Shaw
DALE M. SHAW
Acting Chief Appeals Administrator
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DMS/vsh

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